

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY-AMERICAN WATER COMPANY FOR AN ADJUSTMENT OF RATES)
CASE NO.)
2018-00358)

ORDER

This matter arises on a petition filed by Kentucky-American Water Company (Kentucky-American), pursuant to KRS 61.878 and 807 KAR 5:001, Section 13, requesting confidential treatment for Kentucky-American's response to Lexington-Fayette Urban County Government's (LFUCG) Post-Hearing Request for Information (LFUCG's Post-Hearing Request), Item 17, for an indefinite period. The designated material consists of a confidential billing and accounting manual that reflects Kentucky-American business planning and strategies. Kentucky-American states that a similar manual was granted confidential protection in this proceeding by Order entered March 14, 2019.

As a basis for its request, Kentucky-American asserts that designated materials contain commercial information that is confidential and proprietary. Kentucky-American further asserts that public disclosure of the confidential and proprietary commercial information would allow competitors to derive an unfair commercial advantage, and therefore entitled to confidential protection under KRS 61.878(1)(c)(1).

Having carefully considered the petition and the materials at issue, the Commission finds that the designated materials contained in Kentucky-American's response to LFUCG's Post-Hearing Request, Item 17, are records that are generally

recognized as confidential, and therefore meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13.

IT IS THEREFORE ORDERED that:

1. Kentucky-American's petition for confidential protection for its response to LFUCG's Post-Hearing Request, Item 17, is granted.

2. The designated materials for which Kentucky-American requested confidential treatment shall not be placed in the public record or made available for public inspection for an indefinite period of time, or until further Orders of this Commission.

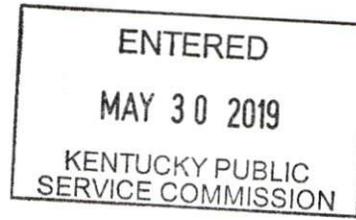
3. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

4. Kentucky-American shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.

5. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, then Kentucky-American shall have 30 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If Kentucky-American is unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the requested materials available for inspection for 30 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow Kentucky-American to seek a remedy afforded by law.

By the Commission



ATTEST:


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